

CITY OF MIAMI BEACH

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CITY CHARTER REVIEW BOARD Minutes of June 10, 2003 Meeting

DRAFT

Board Members in attendance:

Chairman Steve Zack
Vice-Chair Jonathan Beloff
Ricky Arriola, Esq.
Victor Diaz, Esq.
Seymour Gelber

Board Liaison Personnel

Jean Olin, Deputy City Attorney
Robert E. Parcher, City Clerk
Liliam R. Hatfield, Secretary to City Clerk

Meeting called to order at 4:46 p.m.

Chairman Zack explained the voting process and stated that issues receiving less than five (5) votes should be deferred to the next meeting. Motion was made by Vice-Chair Beloff to amend voting procedures; seconded by Member Gelber. **Vote: 5-0;** Absent: Members Herrup and Laeser.

Mr. Kent Harrison, Attorney representing CWA, Communications Workers of America, issued an objection to the voting procedure.

I. APPROVAL OF MINUTES

ACTION: Motion made by Vice-Chair Beloff, seconded by Member Diaz to approve the minutes of May 29, 2003.
Absent: Members Herrup and Laeser.

II. ISSUES FOR DISCUSSION

1. BILL OF RIGHTS

A) Diversity

Motion made by Member Diaz, seconded by Vice-Chair Beloff to recommend to the City Commission to place before voters an amendment to the Bill of Rights to include language **expressing citizens right to be free of all forms of discrimination, including that based upon sexual orientation**. **Vote: 5-0;** Absent: Members Herrup and Laeser.

Expand The Citizen's Bill Of Rights Relative To Diversity And Assurance Of Equal Opportunity For Every Resident. In Addition, And For Definition Purposes, Suggest The Following Anti-Discrimination Language: "Discrimination Shall Mean Violations Of Civil Rights On Account Of Race, Color, Religion, Creed, Sex, National Origin, Ethnicity, Age, Disability Or Medical Condition, Political Affiliation, Sexual Orientation, Ancestry, Marital Or Domestic Partners Status, Gender Identity, Parental Status, Other Non-Merit Factors, Or Any Category Provided For By Ordinance."

No motion offered to move second paragraph.

B) Sunshine Law

Amend Citizen's Bill of Rights to include specific language which will ensure requirements of the Sunshine Law (possibly identifying which meetings shall be public, etc.)

No motion was made.

C) Customer Service Plan

No motion was made.

D) Natural Resources and Scenic Beauty

Motion made by Member Diaz to recommend to the City Commission to add to the Charter the following language: **"It shall be the policy of the City of Miami Beach to conserve and protect its natural resources and scenic beauty, which policy shall include the abatement of air and water pollution and of excessive and unnecessary noise for the conservation and protection of natural resources"**; seconded by Vice-

Chair Beloff. **Vote: 5-0**; Absent: Members Herrup and Laeser.

ADDITIONAL ITEMS

E) Cost and fees

(C) Remedies For Violations. In Any Suit By A Citizen Alleging A Violation Of This Bill Of Rights Filed In The Dade County Circuit Court Pursuant To Its General Equity Jurisdiction, The Plaintiff, If Successful, Shall Be Entitled To Recover Costs **And Reasonable Fees** As Fixed By The Court. Any Public Official Or Employee Who Is Found By The Court To Have Willfully Violated This Article Shall Forthwith Forfeit His Office Or Employment.

Motion made by Member Diaz, seconded by Vice-Chair Beloff to recommend to the City Commission to amend Section C of the Bill of Rights, assuming that the City Attorney's Office issues a written opinion that this can be done unilaterally that we recommend to the City Commission amending this section to include the following: **"include the potential for a plaintiff who invokes the Bill of Rights to recover fees as well as costs in an action against the City."** Amendment offered by Vice-Chair Beloff to include **"reasonable" fees and costs; accepted by the maker of the motion, Member Diaz.** **Vote: 5-0**; Absent: Members Herrup and Laeser.

Chairman Zack stated that although this may have economic consequences to the City, many citizens have expressed that they do not on occasions have the right to access government in the way they deem appropriately, and this gives them an opportunity to do so.

ITEM DEFERRED

F) Preamble

Vice-Chair Beloff requested the City Attorney's Office to prepare language relating to **treating the citizens of Miami Beach with dignity and courtesy.**

***Note:** This was referenced during discussions regarding the Customer Service Plan.

2) FORM OF GOVERNMENT/COMMISSION POWERS

A) Strong Mayor (Ch. §1.01)

Chairman Zack summarized the issues discussed previously. Discussion held.

Jorge Gonzalez, City Manager, spoke regarding the process of placing items on the agenda.

No motion made.

ITEM DEFERRED

B) Increase Mayor's Term (Ch. §2.02)

Motion made by Member Gelber; seconded by Member Arriola to increase the term of office from two (2) to four (4) years, with the term limit to be changed from six (6) consecutive years to eight (8) consecutive years. Discussion held.

Member Diaz requested background information from Legal as to when the term changed from four to two years. **Vote: 4-1**; Opposed: Member Diaz. Absent: Members Herrup and Laeser.

ITEM DEFERRED

C) Increase Salaries/Extending the prohibition against lobbying – Good government (Ch. §2.02)

Member Diaz requested specific language on how long the lobbying prohibition will be, what the scope of the prohibition will be and the salary specifics. Discussion held.

Jean Olin, Deputy City Attorney, explained the current regulations.

Member Diaz made a motion to defer this item for further definition.

D) Delete Subpoena Power Par. 3 (Ch. §2.03)

Motion made by Member Gelber, seconded by Member Diaz to recommend to the City Commission to delete City Charter Sec 2.03 "Powers of Commission" granting the Commission power to issue subpoenas. **Vote: 5-0**; Absent: Members Herrup and Laeser.

3) ELECTION REFORM

A) **Runoff Election (Ch. § 2.01)**

Motion made by Vice-Chair Beloff, seconded by Member Diaz to recommend to the City Commission changing the runoff election from one (1) week after the General Election to two (2) weeks after General Election. **Vote: 5-0**; Absent: Members Herrup and Laeser.

B) **Residency Requirement (Ch. § 6.03)**

Motion made by Vice-Chair Beloff, seconded by Member Diaz, to recommend to the City Commission to increase residency requirements to one year prior to the date of qualifying for office. **Vote: 5-0**; Absent: Members Herrup and Laeser.

ITEM DEFERRED

C) **Change Election Date to Even Years (Ch. § 2.01)**

Review Of General Election/Runoff Dates—Changing Election Dates From Odd-Numbered Years To Even-Numbered Years For Purposes Of Achieving Greater Voter Turnout.

Chairman Zack gave a brief overview of the discussion held previously.

Member Diaz made a motion to defer this item.

4) ZONING REFORM

A) **Section 1.03 (b) Waterfront Property**

Presentation made by Jorge Gomez, Planning Director.

Motion made by Member Diaz; seconded by Vice-Chair Beloff to recommend to the City Commission that **the Charter provision be expanded to cover all city owned property leaving in only the exemptions for educational facilities, utility and easements and increasing the long-term leases to a ten-year lease or more.**

Vote: 5-0; Absent: Members Herrup and Laeser.

ITEM DEFERRED

B) **Section 1.03 (c) FAR**

Review Of City Charter Section 1.03 (C) Regarding Referendum Requirement Prior To Increase In Floor Area Ratio ("FAR") Of Certain Waterfront Property.

Oral report given by Gary Held, First Assistant City Attorney.

C) **Zoning Board of Adjustment – 5 to 7**

Motion made by Vice-Chair Beloff, seconded by Member Gelber to recommend to the City Commission to **increase Zoning Board of Adjustment from 5 to 7 members and changing provision for appointment of members to 4/7.** **Vote: 5-0**; Absent: Members Herrup and Laeser.

Member Diaz asked clarification regarding zoning variances.

Jorge Gomez, Planning Director, explained what variances are being sought and obtained.

5) CITY MANAGER/ADMINISTRATIVE CHANGES

ITEM DEFERRED

A) **Department Directors Not Confirmed by Commission - Sec. 4.02 (b)**

Amend Charter Provision Concerning "Power Of City Manager" So As To Delete Requirement That City Commission Confirm The Appointment Of Department Directors.

Motion made by Member Diaz; seconded by Vice-Chair Beloff. Discussion held.

B) City Manager and Administrative Organization - Sec 4.02 (i)

Motion by Member Diaz to recommend to the City Commission to change language "To negotiate all contracts and agreements in which the City is a party subject to the ~~approval review~~ of the City Attorney and approval of the City Commission.

Jean Olin, Deputy City Attorney, stated that Section 3.01 (b) of the City Charter presently imposes a duty upon the City Attorney "to prepare or review all...contracts... and other matter instruments in which the municipal is concerned, and shall endorse on each his/her approval of the form, language, and execution therefore of."

Jorge Gonzalez, City Manager, suggested amending language by deleting words "of the City Attorney" and leaving language **"subject to the approval of the City Commission."** Amendment accepted by Member Diaz; seconded by Vice-Chair Beloff. **Vote: 5-0**; Absent: Members Herrup and Laeser.

New language Sec. 4.02 (i)

To negotiate all contracts and agreements in which the City is a party subject to the approval of the City Commission.

C) Amend Charter to Consider Long-Term Economic Impact When Adopting Resolutions and Allocating Funds. (Sec 5.02)

Amend Charter To Include Wording That Would Require The Mayor And City Commission When Adopting Resolutions And Allocating Funds To Consider The Long Term Economic Impact (At Least 5 Years) At A Threshold Level To Be Determined (As A Percentage Of Budget).

Motion made by Member Diaz; seconded by Vice-Chair Beloff. **Vote: 5-0**; Absent: Members Herrup and Laeser.

D) Art. II. Public Library

Motion made by Member Diaz; seconded by Vice-Chair Beloff; to delete article. **Vote: 5-0**; Absent: Members Herrup and Laeser.

E) Art. III Sec. 7 – Municipal Projects

Motion made by Member Diaz; seconded by Vice-Chair Beloff; to delete article. **Vote: 5-0**; Absent: Members Herrup and Laeser.

ITEM DEFERRED

F) Art. IV. Civil Service System (Sec. 9)

Certain officers and employees constituted civil service employees.

ITEM DEFERRED

G) Art. IV. Personnel Board (Sec. 12)

Member Diaz suggested that Administration sit with the Union representatives and discuss their proposals.

ITEM DEFERRED

H) Health Plan for city officers and employees (Ch. Art V)

6) MISCELLANEOUS

ITEM DEFERRED

A) Telephonic/Electronic Participation

Authorize Telephonic/Electronic participation of board members.

PUBLIC COMMENTS:

There was a good and welfare where the public was provided an opportunity to speak.

Richard McKinnon, CWA President, spoke regarding items F, G and H in references to two letters received via email on May 29, 2003.

Motion made by Member Diaz to invite all City Unions to the next CRB meeting.

David Noel, Local 1510, spoke regarding Personnel Board issues.

Chairman Zack proposed considering an ombudsman for the citizens of the City to access government which will be helpful in allowing better communication between the citizens and government.

III. ADJOURNMENT

Meeting adjourned at 7:30 p.m.

The next meeting is to be scheduled in July. The City Clerk's Office Secretary will coordinate final schedule date.

Handout Reference Material: Letter from Murray H. Dubbin, City Attorney addressed to Chairman and Members, Charter Review Committee dated May 29, 2003, Re: Charter Review Committee Requests for Information from City Attorney's Office

REP:JO/lh

Attachment: Sign-In Sheet